THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.10478 of 1999

Dated:27.06.2007

Between:

Ch. Hanumanth Reddy and others.

..Petitioners.

and

The District Collector, Medak District at Sanga Reddy and others.

..Respondents.

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THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.10478 of 1999

ORDER:

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The petitioners are the owners of land in Sy.Nos.343 and 344 of Mombojipally Village, Medak Mandal and District, admeasuring about Ac.03-12 gts. Their grievance is that the respondents are taking steps to lay a road across their land without acquiring it. It is stated that they have donated substantial extent of land for laying road in the village, and on account of political considerations, another road, connecting the same points, is sought to be laid across their land.

Respondent No.3 filed a counter-affidavit. The fact that sanction was accorded for laying a road under the Janmabhoomi Programme is admitted. It is stated that a sum of Rs.1,00,000/- was sanctioned towards 50% Government contribution. The 3rd respondent claimed ignorance as to the ownership claim of the petitioners. However, he did not state that the land does not belong to the Government or that it is vested with the Government.

Heard the learned counsel for the petitioners and the learned Government Pleader for Panchayat Raj.

A public road can be laid only across the land belonging to

the Government, or by acquiring private patta land. The question of laying a public road across private properties without acquiring the same does not arise. The respondents categorically admitted that steps were taken to form a road over the land of the petitioners, but they are silent as to whether the land was acquired or not. This Court, while admitting the writ petition, granted interim direction. With that, the attempts of the respondents were stalled.

For the foregoing reasons, the Writ Petition is allowed as prayed for. It is, however, made clear that, in case respondents 1 and 2 want to lay a road across the land of the petitioners, it shall be open to them only after acquiring the same, in accordance with the provisions of the Land Acquisition Act, 1894. There shall be no order as to costs.

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L. NARASIMHA REDDY, J

Dated:27.06.2007

sj